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OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There is an Extraordinary issue to the Official Gazette, Series I No. 16 dated 21-7-2022, namely:—

(1) Extraordinary dated 27-7-2022 from pages 459 to 470, Department of Environment & Climate Change, Notifications regarding the Goa Water (Prevention and Control of Pollution) Rules, 2022 and the Goa Air (Prevention and Control of Pollution) (Amendment) Rules, 2022.

INDEX

Department	Notification/Cir./Bill	Subject	Pages
1	2	3	4
1. Agriculture	Not.-3/4/P&E/PMFBY/2022-23/D.Agro/264	Continuation of PMFBY Scheme.	472
2. Education, Art & Culture Directorate of Education	Not.- SCERT/ADM/Schemes/951/2022/4929	Revised scheme of Incentive Scholarship (Pradnya Shodh).	472
3. Finance	Cir.- 21/9/2011-Fin(R&C)/Part-I/596	Choice of Pension Fund and Investment Pattern in Tier- I of NPS.	475
4.a. Goa Legislature Secretariat	LA/LEGN/2022/1307	The Goa Fiscal Responsibility and Budget Management (Amendment) Bill, 2022.	476
b. —do—	LA/LEGN/2022/1308	The Goa Provision of Water Supply (Amendment) Bill, 2022.	477
c. —do—	LA/LEGN/2022/1309	The Registration (Goa Amendment) Bill, 2022.	478
d. —do—	LA/LEGN/2022/1310	The Goa Change of Name and Surname (Amendment) Bill, 2022.	486
e. —do—	LA/LEGN/2022/1311	The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022.	489
f. —do—	LA/LEGN/2022/1328	The Goa Municipalities (Amendment) Bill, 2022.	504
g. —do—	LA/LEGN/2022/1329	The City of Panaji Corporation (Amendment) Bill, 2022.	513
h. —do—	LA/LEGN/2022/1330	The Goa Education Development Corporation (Amendment) Bill, 2022.	515
i. —do—	LA/LEGN/2022/1331	The Goa Electronic Delivery of Notices Bill, 2022.	515

1	2	3	4
j. —do—	LA/LEGN/2022/1332	The Goa Information Technology Development (Amendment) Bill, 2022.	517
k. —do—	LA/LEGN/2022/1333	The Goa Co-operative Societies (Amendment) Bill, 2022.	518
l. —do—	LA/LEGN/2022/1341	The Goa Appropriation (No. 3) Bill, 2022.	519
m. —do—	LA/LEGN/2022/1342	The Goa Appropriation (No. 2) Bill, 2022.	522
5. New & Renewable Energy	Ord.- 1-2/Admin/NRE/2022-23/80	Discontinuation of Scheme—Promotion of Electric Vehicle in State of Goa.	526

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

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Notification

3/4/P&E/PMFBY/2022-23/D.Agro/264

Sub: "Pradhan Mantri Fasal Bima Yojana" (PMFBY).

Ref: Notification No. 3/4/STAT/PMFBY/2019-20/D.Agro dated 16-07-2019 and Amendment No. 3/4/P&E/PMFBY/2020-21/D.Agro/139 published in the Government Official Gazette dated 25-07-2019 (Sravana 3, 1941) Series I No. 17 & dated 23rd July, 2020 (Sravana 1, 1942) Series I No. 17 respectively.

Pradhan Mantri Fasal Bima Yojna (PMFBY) is being continued in State at the Cluster of Village Panchayats level through the existing implementing agency "Future Generali India Insurance Company Limited, Mumbai" for North-Goa and South-Goa District in the State of Goa for the year 2022-23 (Kharif & Rabi Season).

The scheme will be continued for the year 2022-23 (Kharif & Rabi Season) as per the terms and conditions notified vide Notification

No. 3/4/STAT/PMFBY/2019-20/D.Agro dated 16-07-2019 published in the Government Official Gazette dated 25th July, 2019 (Sravana 3, 1941) Series I No. 17 and Amendment No. 3/4/P&E/PMFBY/2020-21/D.Agro/139 published in the Government Official Gazette dated 23rd July, 2020 (Sravana 1, 1942) Series I No. 17.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Nevil Alphonso, Director of Agriculture & ex officio Jt. Secretary.

Tonca-Caranzalem, 26th July, 2022.

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Department of Education, Art & Culture

Directorate of Education

Notification

SCERT/ADM/Schemes/951/2022/4929

Ref: SCERT/ADM/Notification/Scheme/842/2020/2693

REVISED SCHEME OF INCENTIVE SCHOLARSHIP (PRADNYA SHODH)

Whereas, the use of Aadhaar as an identity document for delivery of services or benefits

or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner by obviating the need to produce multiple documents to prove one's identity;

And whereas, the Directorate of Education (hereinafter referred to as the Department), is administering the Revised Scheme of Incentive Scholarship (Pradnya Shodh) (hereinafter referred to as the Scheme) to identify the hidden talent of the students at the end of Std. IV studying in vernacular medium in Rural, Urban and Slum area, at Government as well as Government Aided schools and to provide them financial assistance as an incentive for getting good education up to Std. X, which is shall be jointly implemented by the Directorate of Education (hereinafter referred to as the Implementing Agency) and The State Council of Educational Research and Training, Porvorim, Goa will conduct the exam (hereinafter referred to as the Exam conducting Agency):

And whereas, under the Scheme, the Scholarship is provided to the eligible student as per the provisions in the said scheme (hereinafter referred to as the beneficiaries), by the Implementing Agency as per the extant scheme guidelines;

And whereas, the aforesaid Scheme involves recurring expenditure incurred from the Consolidated Fund of Government of Goa.

Now, therefore, in pursuance of section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Government of Goa hereby notifies the following, namely:—

1. (1) A child desirous of availing the benefit under the scheme shall hereby be required to furnish proof of possession of the Aadhaar number or undergo Aadhaar authentication.

(2) Any child desirous of availing the benefit under the scheme, who does not possess the Aadhaar number or, has not yet enrolled for Aadhaar, shall be required to make application for Aadhaar enrolment subject to the consent of his parents or guardians, before registering for the scheme provided that he is entitled to obtain Aadhaar as per section 3 of the said Act and such children shall visit any Aadhaar enrolment centre (list available at the Unique Identification Authority of India (UIDAI) website www.uidai.gov.in) to get enrolled for Aadhaar.

(3) As per regulation 12 of the Aadhaar (Enrolment and Update) Regulations, 2016, the Department through its Implementing Agency, is required to offer Aadhaar enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective Block or Taluka, the Department through its Implementing Agency shall provide Aadhaar enrolment facilities at convenient locations in coordination with the existing Registrars of UIDAI or by becoming a UIDAI Registrar themselves:

Provided that till the time Aadhaar is assigned to the child, the benefit under the scheme shall be given to such children subject to production of the following documents, namely:—

(a) if the child has been enrolled after attaining the age of five years (with biometrics collection), his Aadhaar

Enrolment Identification slip, or of biometric update identification slip; and

(b) any one of the following documents, namely:—

(i) Birth Certificate; or Record of birth issued by the appropriate authority; or

(ii) School identity card, duly signed by the Principal of the school, containing parent's names; and

(c) any one of the following documents as proof of relationship of the beneficiary with the parent or legal guardian as per the extant scheme guidelines, namely:—

(i) Birth Certificate; or Record of birth issued by the appropriate authority; or

(ii) Ration Card; or

(iii) Ex-Servicemen Contributory Health Scheme (ECHS) Card; or Employees' State Insurance Corporation (ESIC) Card; or Central Government Health Scheme (CGHS) Card; or

(iv) Pension Card; or

(v) Army Canteen Card; or

(vi) any Government Family Entitlement Card; or

(vii) any other document as specified by the Department:

Provided further that the above documents shall be checked by an officer specifically designated by the Department for that purpose.

2. In order to provide benefits to the beneficiaries under the scheme conveniently, the Department through its Implementing Agency shall make all the required arrangements to ensure that wide publicity through media shall be given to the beneficiaries to make them aware of the said requirement.

3. In all cases, where Aadhaar authentication fails due to poor biometrics of the beneficiaries or due to any other reason, the following

remedial mechanisms shall be adopted, namely:—

(a) in case of poor fingerprint quality, iris scan or face authentication facility shall be adopted for authentication, thereby the Department through its Implementing Agency shall make provisions for iris scanners or face authentication along with finger-print authentication for delivery of benefits in seamless manner;

(b) in case the biometric authentication through fingerprints or iris scan or face authentication is not successful, wherever feasible and admissible authentication by Aadhaar One Time Password or Time-based One-Time Password with limited time validity, as the case may be, shall be offered;

(c) in all other cases where biometric or Aadhaar One Time Password or Time-based One-Time Password authentication is not possible, benefits under the scheme may be given on the basis of physical Aadhaar letter whose authenticity can be verified through the Quick Response code printed on the Aadhaar letter and the necessary arrangement of Quick Response code reader shall be provided at the convenient locations by the Department through its Implementing Agency.

4. Notwithstanding anything contained hereinabove, no child shall be denied benefit under the Scheme in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment. The benefit shall be given to him by verifying his identity on the basis of other documents as mentioned in clauses (b) and (c) of the proviso of sub-paragraph (3) of paragraph 1, and where benefit is given on

the basis of such other documents, a separate register shall be maintained to record the same, which shall be reviewed and audited periodically by the Department through its Implementing Agency.

5. This notification shall come into effect from the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

Shailesh R. Sinai Zingde, Director & ex officio Jt. Secretary (School Education).

Porvorim, 11th July, 2022.

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Department of Finance

Revenue & Control Division

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Circular

21/9/2011-Fin(R&C)/Part-I/596

Ministry of Finance, Department of Financial Services, New Delhi vide Notification F. No. 1/3/2016-PR dated 31-01-2019 has provided Choice of Pension Fund and Investment Pattern in Tier-I of NPS, which are as under:—

(a) *Choice of Pension Fund.*— The Government subscriber shall be allowed to choose any one of the pension funds including Private sector pension funds. They can change their option once in a year. However, the current provision of combination of Public Sector Pension Funds will be available as default option for existing as well as new Government subscriber.

(b) *Choice of Investment Pattern.*— The following options for investment choices shall be offered to Government subscribers.

(i) *Default Scheme:* The existing scheme in which funds are allocated among three Public Sector undertaking fund managers shall continue as default scheme for both existing and new subscribers.

(ii) *Scheme G:* Employees who prefer returns with comparatively less amount of risk shall be given an option to invest 100% of the funds in Government securities.

(iii) *Auto Choice Life Cycle Funds:* Employees preferring better returns with comparatively higher risk shall be given the options of the following Life Cycle based schemes:—

- Conservative Life Cycle Fund with maximum exposure to equity capped at 25%-LC-25 Scheme.
- Moderate Life Cycle Fund with maximum exposure to equity capped a 50 LC-50 Scheme.

Government subscribers may exercise one of the above choices of Investment pattern twice in a financial year.

Now, Government of Goa has adopted the above mentioned provisions provided an undertaking should be obtained from such subscriber stating that the entire risk will be borne by the subscriber and the State Government will not bear any expense in case of loss to the subscriber. Subscriber may request it online through NSDL portal and the same will have to be verified and authorized by Directorate of Accounts.

The Circular referred above is available on the Directorate of Accounts website www.accountsgoa.gov.in.

Pranab G. Bhat, Under Secretary, Finance (R&C).

Porvorim, 19th July, 2022.

Goa Legislature Secretariat

LA/LEGN/2022/1307

The following bill which was introduced in the Legislative Assembly of the State of Goa on 15th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Fiscal Responsibility and Budget Management (Amendment) Bill, 2022

(Bill No. 6 of 2022)

A

Bill

further to amend the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Fiscal Responsibility and Budget Management (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 1st day of June, 2022.

2. *Amendment of section 5.*— In section 5 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006), in clause (b), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that for the financial year 2022-23, additional fiscal deficit of 1% over and above 3% of the Gross State Domestic Product (upto 4% of GSDP) shall be permissible;”

Statement of Objects and Reasons

On the recommendation of Fifteenth Finance Commission, Government of India, Ministry of Finance, fixed the normal Net Borrowing Ceiling for the State at 4% of GSDP for Financial Year 2022-23, out of which borrowing of 3.5% of GSDP is unconditional

and borrowing ceiling of 0.5% of GSDP is allowed for certain performance criteria subject to amendment to the State Fiscal Responsibility and Budget Management Act. As such the Bill seeks to amend section 5 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006) so as to raise borrowing ceiling as permitted by the Government of India.

This Bill seeks to achieve the above object.

Financial Memorandum

As per the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006), the State of Goa was permitted to raise borrowing of 3% of Gross State Domestic Product however after amendment of said Act, an additional 1% (overall 4%) borrowing space shall be made available for the State of Goa for the financial year 2022-23 for developmental activities of the State.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa

12-07-2022

(Dr. Pramod Sawant)

Chief Minister/
Minister for Finance

Assembly Hall

Porvorim-Goa

12-07-2022

(Namrata Ulman)

Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Fiscal Responsibility and Budget Management (Amendment) Bill, 2022, by the Legislative Assembly of Goa.

Place: RAJ BHAVAN (P. S. Sreedharan Pillai)

Dated: 12-07-2022

Governor of Goa.

as to decriminalize in terms of criminal punishment to fines as per proposed amendment.

The Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa, NILESH CABRAL
Dated:- 13-07-2022. Hon. Minister for Public Works.

Assembly Hall, NAMRATA ULMAN
Porvorim-Goa. Secretary to the Legislative
Dated:- 13-07-2022. Assembly of Goa.

ANNEXURE

Extract of section 6 of the Goa Provision of Water Supply Act, 2003

6. Offences and Penalties.— Whoever contravenes any provision of this Act or of any rules or orders made thereunder, shall, on conviction by a Judicial Magistrate, be either sentenced to simple imprisonment which may extend to a term of three months or to pay a fine of rupees five thousand, if the conviction is relating to the user of piped water for domestic purpose, and to a sentence which may extend to a term of six months of simple imprisonment or to a fine of rupees ten thousand, if the conviction be in connection with the user of piped water for commercial or industrial purpose.

Porvorim-Goa, NILESH CABRAL
Dated:- 13-07-2022. Hon. Minister for Public Works.

Assembly Hall NAMRATA ULMAN
Porvorim-Goa. Secretary to the Legislative
Dated:- 13-07-2022. Assembly of Goa.

LA/LEGN/2022/1309

The following bill which was introduced in the Legislative Assembly of the State of Goa on 19th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Registration (Goa Amendment) Bill, 2022

(Bill No. 10 of 2022)

A

BILL

further to amend the Registration Act, 1908 (Central Act 16 of 1908), as in force in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Registration (Goa Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Omission of section 19 A.*— In the Registration Act, 1908 (Central Act 16 of 1908), as in force in the State of Goa (hereinafter referred to as the "principal Act"), section 19A shall be omitted.

3. *Amendment of section 20.*— In section 20 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—

"Provided that no such note is required to be made in the register where any document is registered and uploaded under online registration system.".

4. *Substitution of section 32 A.*— For section 32 A of the principal Act, the following section shall be substituted, namely:-

"32A. *Compulsory uploading of photograph, etc.*— Every person presenting any document at the proper registration office under section 32 shall also upload

digital photograph and digital finger prints of both the hands of each party to such document:

Provided that in case where any document is uploaded under online registration system such digital photograph and digital fingerprints shall be obtained by the registering officer before admission of such document for registration.”.

5. *Amendment of section 57.*— In section 57 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) In case where the documents are registered by online registration system and the Books in respect of such documents as referred above are maintained digitally, the applications, payments and issue of copies thereto shall be in digital form.”.

6. *Amendment of section 58.*— In section 58 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

“(c) name, digitally obtained photograph, digitally obtained finger prints of both hands and signature of every person who is party to such document or of his duly authorized representative, assignee or agent, if the same is executed by the latter.”.

7. *Amendment of section 60.*— In section 60 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) After such of the provisions of section 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall register such document under online registration system and generate a certificate of registration containing details such as unique registration number, book number and date of registration.”;

8. *Insertion of new section 71A.*— After section 71 of the principal Act, the following section shall be inserted, namely:—

“71A. *Withholding registration of certain documents.*— (1) The registering officer on

direction of the Revenue Department of the Government of Goa, may withhold registration of any document pertaining to the property as specified in such directions.

(2) The Registration officer on the direction of the Enforcement Directorate, Securities and Exchange Board of India, Income Tax Department or other Statutory Authority may also withhold registration of any document pertaining to the property as specified in such directions.”.

9. *Insertion of new PART XII A.*— After Part XII A of the principal Act, the following part shall be inserted, namely:—

"PART XII A OF CANCELLATION OF FRAUDULENT DOCUMENTS

77A. *Institution of suit in case of fraudulent document.*— (1) Any investigating authority may institute a suit or a case before such court or Tribunal as notified by the Government for deciding any document as fraudulent or not.

(2) The investigating authority referred in sub-section (1) shall file a case before such Court or Tribunal only after ascertaining on exhaustive investigation that the document registered with the registering officer is fraudulent.

77B. *Order for cancellation.*— (1) The Court or Tribunal referred in section 77A may upon such enquiry as it deems fit order cancellation of a document which is found to be fraudulently registered before the Registering Officer and it may also order restoration of property in the name of original owner on cancellation of such document.

(2) The concerned registering officer shall cancel the document as ordered within two days from the date of receipt of Order of such Court or Tribunal.

10. *Substitution of section 80.*— For section 80 of the principal Act, the following section shall be substituted, namely:—

“80. *Fees payable before presentation.*— All fee for the registration of any document which would be presented for registration

under this Act shall be payable electronically before presentation of such document. The payment of such fee shall be valid for a period of four months from the date of such payment.”.

11. *Amendment of section 86.*— In section 86 of the principal Act, for the expression “No registering officer shall be liable to any such claim or demand by reason of anything in good faith done or refused in his official capacity”, the expression “No registering officer shall be liable to any suit, claims or demand by reason of anything in good faith done or refused in his official capacity, except in case of proven misconduct or lapse in registering any document which is ordered to be cancelled under 77B.”.

Statement of Objects and Reasons.

The Bill seeks to omit section 19A from the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the ‘said Act’) since the said provision has become redundant as the registration of documents are now on digital format under National Generic Document Registration System (NGDRS) which is implemented in Goa. Under this system the original document itself is scanned and uploaded on system hence true copy is not required.

The Bill also seeks to amend section 20 of the said Act since under the National Generic Document Registration System the original document itself being scanned and uploaded and hence there is no scope of interlineation, blanks etc. where the original documents are scanned and uploaded.

The Bill also seeks to substitute section 32A of the said Act as uploading of photographs and fingerprints would facilitate identification of the parties to the registration and would remain in the records of the Department.

The Bill also seeks to amend sections 57, 58 and 60 of the said Act so to incorporate the

systemic changes that have occurred due to implementation of online registration system.

The Bill also seeks to insert section 71A in the said Act so as to provide for withholding the registration of any document on the direction of the Revenue Department and certain agencies such as Enforcement Directorate, Income Tax Department, Securities and Exchange Board of India, etc.

The Bill also seeks to insert PART XII A in the said Act so as to provide mechanism for security of documents which are fraudulent documents registered under the said Act and for their cancellation.

The Bill also seeks to substitute section 80 of the said Act to incorporate the systemic changes that have occurred due to implementation of online registration system.

This Bill seeks to achieve the above objects.

Memorandum Regarding Delegated Legislation

Clause 1 (2) of the Bill seeks to empower the Government to appoint the date for bringing into force the Act by Notification in the Official Gazette.

Clause 9 of the Bill empower the Government to issue notification for notifying a Court or Tribunal.

Financial Memorandum

No financial implications are involved in this Bill.

Assembly Hall, Nilesh Cabral
Porvorim, Goa. Minister for Law, Judiciary &
14-07-2022. Legislative Affairs.

Assembly Hall, Namrata Ulman
Porvorim, Goa. Secretary to the Legislative
14-07-2022. Assembly Goa.

ANNEXURE

Name of the Bill: The Registration (Goa Amendment) Bill, 2022

Sr. No.	Existing Provision	Amendment proposed in the Bill	Justification for amendment
1	2	3	4
1	"19A. Documents presented for registration to be accompanied by true copies thereof.— (1) No document shall be accepted for registration unless it is accompanied by its true copy thereof. (2) The true copy referred to in sub-section (1) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.".	section 19A shall be omitted	Section 19A from the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the 'said Act') since the said provision has become redundant as the registration of documents are now on digital format under National Generic Document Registration System (NGDRS) which is implemented in Goa. Under this system the original document itself is scanned and uploaded on system hence true copy is not required.
2	Section 20. Documents containing interlineations, blanks, erasures or alterations.— (1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. (2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.	In section 20 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—"Provided that no such note is required to be made in the register where any document is registered and uploaded under online registration system".	Section 20 of the said Act since under the National Generic Document Registration System the original document itself being scanned and uploaded and hence there is no scope of interlineation, blanks etc. where the original documents are scanned and uploaded.
3	32A. Compulsory affixing of photograph, etc.— Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document: Provided that where such document relates to the transfer of ownership of immovable property, the	For section 32 A of the principal Act, the following section shall be substituted, namely:—	To substitute section 32A of the said Act as uploading of photographs and fingerprints would facilitate identification of the parties to the registration and would remain in the records of the Department.
		"32A. Compulsory uploading of photograph, etc.— Every person presenting any document at the proper registration office	

1	2	3	4
	passport size photograph and finger-prints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.	under section 32 shall also upload digital photograph and digital finger prints of both the hands of each party to such document: Provided that in case where any document is uploaded under online registration system such digital photograph and digital fingerprints shall be obtained by the registering officer before admission of such document for registration.”.	
4	Section 57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.— (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies or entries in such books shall be given to all persons applying for such copies. (2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies. (3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. (4) The requisite search, under this section for entries in Book Nos. 3 and 4 shall be made only by the registering officer. (5) All copies given under this section shall be signed and sealed by the	In section 57 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:- “(6) In case where the documents are registered by online registration system and the Books in respect of such documents as referred above are maintained digitally, the applications, payments and issue of copies thereto shall be in digital form.”.	To amend section 57 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system.

1	2	3	4
	registering officer, and shall be admissible for the purpose of proving the contents of the original documents.		
5	Section 58. Particulars to be endorsed on documents admitted to registration.— (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:— (a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent; (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.	In section 58 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:- "(c) name, digitally obtained photograph, digitally obtained finger prints of both hands and signature of every person who is party to such document or of his duly authorized representative, assignee or agent, if the same is executed by the latter".	To amend section 58 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system.
6	Section 60. Certificate of registration.—(1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered", together with the number and page of the book in which the document has been copied.	In section 60 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:- "(1) After such of the provisions of section 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall register such document under online registration system and generate a certificate of registration containing details such as unique registration number, book number and date of registration.";	To amend section 60 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system.

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7

Insertion of new section

71A.— After section 71 of the principal Act, the following section shall be inserted, namely:-

“71A.—Withholding registration of certain documents.— (1) The registering officer on direction of the Revenue Department of the Government of Goa, may withhold registration of any document pertaining to the property as specified in such directions. (2) The Registration officer on the direction of the Enforcement Directorate, Securities and Exchange Board of India, Income Tax Department or other Statutory Authority may also withhold registration of any document pertaining to the property as specified in such directions.”.

To insert section 71A in the said Act so as to provide for withholding the registration of any document on the direction of the Revenue Department and certain agencies such as Enforcement Directorate, Income Tax Department, Securities and Exchange Board of India, etc.

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Insertion of new PART XII A

A.—After Part XII A of the principal Act, the following part shall be inserted, namely:-

“PART XII A OF CANCELLATION OF FRAUDULENT DOCUMENTS

77A. Institution of suit in case of fraudulent document.— (1) Any investigating authority may institute a suit or a case before such court or Tribunal as notified by the Government for deciding any document as fraudulent or not. (2) The investigating authority referred in sub-section (1) shall file a case before such Court or Tribunal only after ascertaining on exhaustive

To insert PART XII A in the said Act, so as to provide mechanism for security of documents which are fraudulent documents registered under the said Act and for their cancellation.

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		investigation that the document registered with the registering officer is fraudulent.	
		77B. Order for cancellation. —(1) The Court or Tribunal referred in section 77A may upon such enquiry as it deems fit order cancellation of a document which is found to be fraudulently registered before the Registering Officer and it may also order restoration of property in the name of original owner on cancellation of such document. (2) The concerned registering officer shall cancel the document as ordered within two days from the date of receipt of Order of such Court or Tribunal.	
9	Section 80. Fees payable on presentation.— All fees for the registration of documents under this Act shall be payable on the presentation of such documents.	For section 80 of the principal Act, the following section shall be substituted, namely:-	To substitute section 80 of the said Act to incorporate the systemic changes those have occurred due to implementation of online registration system.
10	Section 86. Registering officer not liable for thing bona fide done or refused in his official capacity.— No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.	“80. Fees payable before presentation. — All fee for the registration of any document which would be presented for registration under this Act shall be payable electronically before presentation of such document. The payment of such fee shall be valid for a period of four months from the date of such payment.”.	Amendment of section 86.- In section 86 of the principal Act, for the expression “No registering officer shall be liable to any such claim or demand by reason of anything in good faith done or refused in his official capacity”, the expression “No registering officer shall be liable to any suit, claims or

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demand by reason of anything in good faith done or refused in his official capacity, except in case of proven misconduct or lapse in registering any document which is ordered to be cancelled under 77B.”.

LA/LEGN/2022/1310

The following bill which was introduced in the Legislative Assembly of the State of Goa on 19th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Change of Name and Surname (Amendment) Bill, 2022

(Bill No. 11 of 2022)

A

BILL

further to amend the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990).

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Change of Name and Surname (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990) (hereinafter referred to as the “principal Act”), clauses (a) and (h) shall be omitted;

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for the words “Registrar” and “Chief Registrar”, wherever they occur, the words “Civil Judge Junior Division” and “District Judge” shall be respectively substituted;

(ii) in sub section (1),—

(a) for the words “Any person” the expression “Any person who is born and whose birth is registered, in the State of Goa, and whose either of parents or grandparents’ is born in the State of Goa,” shall be substituted;

(b) for the words “surname or both”, the words “surname or both as recorded in the birth register in the State of Goa” shall be substituted.

Statement of Objects and Reasons

The Goa Change of Name and Surname Act, 1990 has been enacted to lay down the procedure for change of name and surname of any person born in the State of Goa. The rules made under the said Act provide procedure to be followed for effecting the change of name and surname of such person.

The said Act provides for creation of the document which is of significant importance. Further, sub-rule (5) of rule 3 of the Goa Change of Name and Surname Rules, 1991 provides for examination of witnesses, hence it is imperative that the functions under the said Act be administered by the Judicial Officers. The Bill, therefore, seeks to amend section 3 of the said Act to that extent.

This Bill seeks to achieve the above objects.

Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to appoint a date by notification in the Official Gazette for bringing Act, in force. This delegation is of normal character.

Financial Memorandum

No financial implications are involved in this Bill.

Assembly Hall,
Porvorim, Goa.
14-07-2022.

NILESH CABRAL
Minister for Law, Judiciary &
Legislative Affairs.

Assembly Hall,
Porvorim, Goa.
14-07-2022.

NAMRATA ULMAN
Secretary to Legislative
Assembly of Goa.

ANNEXURE

Name of the Bill: The Goa Change of Name and Surname (Amendment) Bill, 2022

Sr. No.	Existing Provision	Amendment proposed in the Bill	Justification for amendment
1	2	3	4
1	<p>Section 2 Definitions.—</p> <p>(a) "Chief Registrar" means an officer authorised by the Government to exercise the powers and perform the duties of the Chief Registrar under this Act;</p> <p>(b) "Government" means the Government of Goa;</p> <p>(c) "guardian" means a person having the care of a minor or of his property, or of both his person and property;</p> <p>(d) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (Central Act 9 of 1975), is to be deemed not to have attained his majority;</p> <p>(e) "Official Gazette" means the Goa Government Gazette;</p> <p>(f) "prescribed" means prescribed by rules made under this Act;</p> <p>(g) "register" means a register of change of name and surname maintained under this Act;</p> <p>(h) "Registrar" means an officer authorised by the Government to exercise the powers and perform</p>	<p>In section 2 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990) (hereinafter referred to as the "principal Act"), clauses (a) and (h) shall be omitted;</p>	<p>To lay down the procedure for change of name and surname of any person born in the State of Goa. The rules made under the said Act provide procedure to be followed for effecting the change of name and surname of such person.</p>

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the duties of the Registrar under this Act and includes the Civil Registrar exercising the powers under the Código do Registro Civil do Estado da Índia approved by Decree dated 09-11-1912.

2 Section 3. Application for change of name and surname of any person.- "1 Any person desirous of changing his name or surname or both in the following circumstances, namely:

- (a) wrong or improper entry of name or surname;
- (b) correction of spelling in the name or surname or to make correct version of name or surname;
- (c) unpleasant or distasteful name or surname;
- (d) name or surname erroneously written; shall apply to the Registrar of respective jurisdiction in which his birth is recorded in the prescribed form along with an affidavit for correction of name or surname or both mentioning therein details like name, date of birth, parents name, name of the spouse, residential address, etc. and submit documents in which version of existing name or surname is mentioned:

Provided that if such a person is a minor, the application shall be made by his guardian.";

(i) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notice in the Official Gazette and also in two local dailies/newspapers, one English and other in vernacular language, having wide circulation in the State of Goa, calling for objections, if any, on the application within thirty days from the date of the notice.";

In section 3 of the principal Act,-

(i) for the words "Registrar" and "Chief Registrar", wherever they occur, the words "Civil Judge Junior Division" and "District Judge" shall be respectively substituted;

(ii) in sub-section (1),-

(a) for the words "Any person" the expression "Any person who is born and whose birth is registered, in the State of Goa, and whose either of parents or grandparents' is born in the State of Goa," shall be substituted;

(b) for the words "surname or both", the words "surname or both as recorded in the birth register in the State of Goa" shall be substituted.

The Act provides for creation of the document which is of significant importance. Further, sub-rule (5) of rule 3 of the Goa Change of Name and Surname Rules, 1991, provides for examination of witnesses, hence it is imperative that the functions under the said Act be administered by the Judicial Officers.

LA/LEGN/2022/1311

The following bill which was introduced in the Legislative Assembly of the State of Goa on 19th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

—
The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022

(Bill No. 12 of 2022)

A

BILL

further to amend the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016) (hereinafter referred to as "the principal Act"), in clause (z), after the words "a written account", the expression ", either electronic or manual including online procedure" shall be inserted.

3. *Amendment of section 35.*— In section 35 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Renunciation of an inheritance shall be made before the Court or before

the Special Notary having jurisdiction over the place where the succession opens.";

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) All such files shall be bound in volumes containing 200 pages each, numbered consecutively and each volume maintained annually shall be numbered serially starting from Volume I of year.....".

4. *Amendment of section 52.*— In section 52 of the principal Act, in sub-section (1),—

(a) after item (i), the following item shall be inserted, namely:—

"(ia) on the surviving spouse;" ;

(b) for item (iii), the following item shall be substituted, namely:—

"(iii) on the brothers and sisters and their descendants;" ;

(c) item (iv) shall be omitted.

5. *Insertion of new section 307A.*— After section 307 of the principal Act, the following section shall be inserted, namely:—

"307A. *Jurisdiction to draw instruments and deeds.*— The special Notary shall have jurisdiction to draw instruments and deeds including wills as below:—

(i) The Special Notary having jurisdiction over the place where the succession opens shall be competent to draw deed of declaration of heirship and deed of renunciation.

(ii) The Special Notary having jurisdiction over the place of permanent residence of the Testator/Testatrix, Donor or the executing party shall draw a will, consent or power of attorney respectively:

Provided that whenever owing to medical disability condition the Testator/Testatrix is admitted to hospital or

restricted at a place other than his permanent residence, then on production of valid medical documents, the will can be drawn by the Special Notary having jurisdiction over such place.”.

6. *Amendment of section 308.*—In section 308 of the principal Act, in sub-section (2), for the expression “District Judge of the respective district court or an additional district judge nominated by him, as the case may be”, the words “District Special Notary of the respective District” shall be substituted.

7. *Amendment of section 310.*— In section 310 of the principal Act, for the expression “District Judge of the respective District Court or an Additional District Judge nominated by him, as the case may be”, the words “District Special Notary of the respective district” shall be substituted.

8. *Amendment of section 320.*— In section 320 of the principal Act, in sub-section (3), for the expression “within 3 days”, the expression “within 30 days after hearing all the parties” shall be substituted.

9. *Amendment of section 324.*— In section 324 of the principal Act,—

(i) in sub-section (i), in clause (iv), for the expression “The power of attorney executed abroad shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;”, the expression “The Power of attorney executed abroad except where a certificate called an Apostille has been issued thereto, shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;” shall be substituted;

(ii) in sub-section (2), the words “or certified copy thereof” shall be omitted.

10. *Amendment of section 333.*— In section 333 of the principal Act, in sub-section (7), for the words “District Judge”, the words “District Special Notary” shall be substituted.

11. *Amendment of section 337.*— In section 337 of the principal Act, the expression “The testator may keep the closed will with himself

or hand it over to a person of his confidence” shall be added at the end.

12. *Omission of sections 338, 339 and 340.*— In the principal Act, sections 338, 339 and 340 shall be omitted.

13. *Amendment of section 346.*— In section 346 of the principal Act,—

(i) in sub-section (4), the words “or a certified copy issued by an institution maintaining such records” shall be omitted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) In the event when a party to succession deed produces documents of his identity and the names on the documents produced are different, the parties may produce a certificate issued by the Mamlatdar for certifying the names appearing in different certificates are that of one and the same person.”.

14. *Insertion of new section 346A.*— After section 346 of the principal Act, the following section shall be inserted, namely:—

“346A. *Printed Deed of Declaration of Heirship.*— (1) The Declarants and interested parties as specified in section 346 may opt to present to the Special Notary, a computer generated printout in black ink of the unsigned Deed of Declaration of Heirship, written in the language of the Court, complying with all the legal formalities as specified under section 346 and other provisions under this Act on a standard ledger paper (Legal Size) leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and 2 cms. on the right side of the paper. The print shall be in Times New Roman Script with double spacing and continuous without break between words and numbers shall be written in words, accompanied by all the documents required for registration of said deed.

(2) Upon submission of printed Deed of Declaration of Heirship, all the parties shall put their name, sign and thumb impression by appearing in the office of the Special

Notary, and thereafter the Special Notary shall sign the said deed.

(3) All the printed Deeds of Declaration of Heirship registered before the Special Notary alongwith all the supporting documents, until they are preserved in a form of a bound book, as provided in sub-section (4), shall be maintained in a provisional file. In the same file, all the Deeds of Declaration of Heirship so presented shall be kept as per the serial order of its presentation and their pages numbered serially.

(4) At the end of every 200 sheets, the District Special Notary of the concerned district shall initial all the pages of the Deed of Declaration of Heirship contained in the file and ensure that the sheets are bound in a book.”.

Statement of Objects and Reasons

The Bill seeks to amend section 2 (z) of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2021 (Goa Act 23 of 2016) (hereinafter referred to as the 'said Act') so as to introduce the concept of digital record i.e. electronic form of making or drawing a record by the Special Notary.

The Bill further seeks to amend section 35 of the said Act so as to introduce jurisdiction based on section 9 and lay down procedure for filing the documents submitted to Special Notary.

The Bill also seeks to amend section 52 of the said Act so as to rectify the order of legal succession.

The Bill also seeks to insert new section 307A in the said Act to lay down jurisdiction, as there is no provision for entertaining the applications for drawing of various instruments and deeds including wills based on jurisdiction.

Various books, indexes, etc., and printed wills have to be countersigned by the District Judge or Additional District Judge nominated

by him. This process is time consuming and sometimes cumbersome for offices situated at distance and therefore the Bill seeks to amend section 308 and section 310 of the said Act, to authorise District Special Notary with these powers.

The Bill also seeks to amend section 324 of the said Act as the matters regarding power of attorney executed outside India to be countersigned by Indian Diplomatic Agent is governed by International Law which changes from time to time, and at present, the power of attorney may not be required to be countersigned by Indian Diplomatic Agent, as Republic of India is a party to Hague Apostille Convention. Amendment is also proposed for removing the option of certified copy of power of attorney and the original power of attorney has to be submitted in office for authenticity of the record and as provided in other sections for other Notarial acts;

The Bill also seeks to amend section 337 of the said Act so as to include the option of either keeping the closed will with the testator or with person of his confidence, when it is delivered to him after completing the formalities by the Special Notary;

As the Special Notary Offices are not well equipped with latest security protocol, such as, fire extinguishers, fire proof vaults and boxes, etc., it is risky to take custody of closed wills and keep them in the office, moreover, if the closed wills remains with the party it will be more safe and testator will take due care of it. Therefore, sections 338, 339 and 340 of the said Act are proposed for omission;

The Bill also seeks to amend section 346 of the said Act as the same is ambiguous and allows party to submit any document issued by any institution, legally not empowered to maintain the same;

The Bill also seeks to insert a new section 346A in the said Act for providing a printed Deed of Declaration of Heirship, in similar line of printed open will.

This Bill seeks to achieve the above objects.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Financial Memorandum

No financial implications are involved in this Bill.

Porvorim-Goa

Dated: 14-07-2022.

NILESH CABRAL

Hon. Minister for Law and Judiciary

Assembly Hall,

Porvorim-Goa

Dated: 14-07-2022.

Namrata Ulman

Secretary to the Legislative Assembly of Goa

ANNEXURE

Name of The Bill: The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022.

Sr. No.	Existing Provision	Amendment proposed in the Bill	Justification for amendment
1	2	3	4
1	Section 2(z) "to make a record" or "to draw a record" means to draw up a written account of an act or a series of acts under authority of law by the Special Notary and designed to furnish permanent authentic evidence of the matters to which it relates;	Amendment of section 2.— In section 2 of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016) (hereinafter referred to as "the principal Act"), in clause (z), after the words "a written account", the expression "either electronic or manual including online procedure" shall be inserted.	As to introduce the concept of digital record i.e. electronic form of making or drawing a record by the Special Notary.
2.	Section 35. How renunciation is effected.— (1) Renunciation of an inheritance shall be made before the Court having jurisdiction over the place where the succession opens or before any Special Notary. (2) When made before the Court, it shall be drawn in a book which shall have its pages duly numbered, and initialled by the Court and when made by the Special Notary, it shall be drawn in his respective Book. The deed or record of renunciation by the heir shall be written in indelible	Amendment of section 35.- In section 35 of the principal Act,-(i) for sub-section (1), the following sub section shall be substituted, namely:— "(1) Renunciation of an inheritance shall be made before the Court or before the Special Notary having jurisdiction over the place where the succession opens."; (ii) after sub-section (4), the following sub-section shall be inserted, namely: "(4A) All such files shall be bound in volumes containing	To amend section 35 of the said Act so as to introduce jurisdiction based on section 9 and lay down procedure for filing the documents submitted to Special Notary.

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		black ink in a clear and legible handwriting. (3) It is the duty of the court to inspect the book once a year and record a certificate of inspection on the page immediately following the last page used. The register shall be maintained in the chronological order and shall be preserved as a permanent record of the court. (4) When an heir renounces the inheritance through his attorney, the power of attorney shall be also preserved in a separate file maintained for the purpose and the page at which the power of attorney is placed shall be mentioned at the bottom of the deed. The file shall have an index of the powers of attorney.	200 pages each, numbered consecutively and each volume maintained annually shall be numbered serially starting from Volume 1 of year...”.
3.	Section 52. Order of legal succession.— (1) The legal succession shall devolve in the following order:—(i) on the descendants; (ii) on the ascendants, subject to the provisions of sub-section (2) of section 72; (iii) on the brothers and their descendants; (iv) on the surviving spouse; (v) on the collaterals not comprised in clause (iii) upto the 6th degree; (vi) on the State, provided that, in the absence of testamentary or intestate heir of a beneficial owner or of an emphyteusis, the property shall revert to the direct owner. (2) In respect of persons referred to in clauses (i), (ii) and (iii) of sub-section (1), the agricultural produce or fruits, gathered or growing, meant and necessary for the maintenance of the couple shall be deemed to be the personal property of the surviving spouse, provided that on the date of the opening of the inheritance there is no suit for divorce or separation of persons and properties, pending or decreed.	Amendment of section 52.— In section 52 of the principal Act, in sub-section (1),— (a) after item (i), the following item shall be inserted, namely:- “(ia) on the surviving spouse;”; (b) for item (iii), the following item shall be substituted, namely:- “(iii) on the brothers and sisters and their descendants”; (c) item (iv) shall be omitted.	To amend section 52 of the said Act so as to rectify the order of legal succession.

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4.	—	<p>Insertion of new section 307A.— After section 307 of the principal Act, the following section shall be inserted, namely:—</p> <p>"307A. Jurisdiction to draw instruments and deeds.— The special Notary shall have jurisdiction to draw instruments and deeds including wills as below:—</p> <p>(i) The Special Notary having jurisdiction over the place where the succession opens shall be competent to draw deed of declaration of heirship and deed of renunciation.(ii) The Special Notary having jurisdiction over the place of permanent residence of the Testator/ Testatrix, Donor or the executing party shall draw a will, consent or power of attorney respectively: Provided that whenever owing to medical disability condition the Testator/ Testatrix is admitted to hospital or restricted at a place other than his permanent residence, then on production of valid medical documents, the will can be drawn by the Special Notary having jurisdiction over such place.”.</p>	To insert new section 307A in the said Act to lay down jurisdiction, as there is no provision for entertaining the applications for drawing of various instruments and deeds including wills based on jurisdiction.
5.	308. Obligation of the State to provide books to the Special Notary.— (1) The State Government shall provide for the office of every Special Notary, District Special Notary and State Special Notary the books necessary for the purposes of this Act. (2) The books so provided shall contain the forms prescribed and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title	<p>Amendment of section 308.— In section 308 of the principal Act, in sub-section (2), for the expression “District Judge of the respective district court or an additional district judge nominated by him, as the case may be”, the words “District Special Notary of the respective District” shall be substituted.</p>	Various books, indexes, etc., and printed wills have to be countersigned by the District Judge or Additional District Judge nominated by him. This process is time consuming and sometimes cumbersome for offices situated at distance and therefore the Bill seeks to amend section 308 and section 310 of the said Act, to authorise District Special Notary with these powers.

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<p>page by the District Judge of the respective district court or an additional district judge nominated by him, as the case may be. (3) The State Government shall supply to the office of the Special Notaries with a fire proof box, and shall in each sub-district make suitable provisions for the safe custody of the records connected with the State Special Notary. (4) The State Government shall provide the embossed seals to the Special Notaries, District Special Notaries and the State Special Notary.</p>		
<p>6. 310. Requirement of the notarial books.— The notarial books shall have a record of their opening and closing, signed by the District Judge of the respective District Court or an Additional District Judge nominated by him, as the case may be.</p>	<p>Amendment of section 310.— In section 310 of the principal Act, for the expression "District Judge of the respective District Court or an Additional District Judge nominated by him, as the case may be", the words "District Special Notary of the respective District" shall be substituted.</p>	<p>As stated in above para 5.</p>
<p>7. Section 320. Refusal to perform an act.— (1) Order of refusal to record reasons.— When the Special Notary refuses in writing to perform an act, which he is empowered to do, he shall make an order of refusal expeditiously and record his reasons for such order in his Book No. IX and endorse the words "refused to draw" on the draft document, if any, is presented, and, on an application made by any person who has an interest in causing it to be drawn, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.(2) Application for reconsideration.— The aggrieved party may call upon such Notary to reconsider his refusal. (3) Duty to forward to the District Special Notary the application for reconsideration.— In the event</p>	<p>Amendment of section 320.— In section 320 of the principal Act, in sub-section (3), for the expression "within 3 days", the expression "within 30 days after hearing all the parties" shall be substituted.</p>	<p>The period is extended from 3 to 30 days.</p>

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the Special Notary does not reconsider the refusal within forty-eight hours, then he is bound to send the application for reconsideration to the District Special Notary as Appellate Authority, along with the respective documents and his report wherein he shall record reason for his refusal to perform the act. The District Special Notary shall give his decision affirming, reversing or altering such order within 3 days.

8. Section 324. Requisites of authentic documents.— (1) The requisites of the authentic documents are as follows:— (i) the hour, date, month, year and the place where the document was drawn or signed when drawn outside the office and the statement that the Special Notary went there at the express request of the party; (ii) full name of the Special Notary, his designation as such Special Notary, and the address of his office; (iii) full names, age, marital status, professions and addresses of the parties, and of their attorney or representatives, if the latter intervened directly in the deed; (iv) a reference to the powers of attorney and other documents which prove they are attorneys or representatives, so also other documents relating to the acts or which are part and parcel of the latter, with the dates and other details which identify them. The power of attorney executed abroad shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa; (v) the acknowledgement of the identity of the parties from his personal knowledge or from the

In section 324 of the principal Act, — (i) in sub-section (i), in clause (iv), for the expression “The power of attorney executed abroad shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;”, the expression “The Power of attorney executed abroad except where a certificate called an Apostille has been issued thereto, shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;” shall be substituted;

To amend section 324 of the Act as the matters regarding power of attorney executed outside India to be countersigned by Indian Diplomatic Agent is governed by International Law which changes from time to time, and at present, the power of attorney may not be required to be countersigned by Indian Diplomatic Agent, as Republic of India is a party to Hague Apostille Convention. Amendment is also proposed for removing the option of certified copy of power of attorney and the original power of attorney has to be submitted in office for authenticity of the record and as provided in other sections for other Notarial acts;

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statement of the identifiers who know them; (vi) reference of the oath taken by the interpreters and the reasons which required their intervention and the manner in which the interpreters ascertained the wishes of the parties and explained to them the contents of the documents; (vii) full names, age, status, professions and address of the witnesses, interpreters and identifiers and also of the persons who read the documents at the request of the parties; (viii) the statement of the party that he does not know to sign or cannot sign; (ix) reference to the fact that the Special Notary has read aloud the document to the parties in the simultaneous presence of the parties, the witnesses and other persons who have intervened and of the reading by the interpreter or by any of the parties or any other person at their request, when compulsory; (x) the errata memo describing the corrections, interlineations, alterations, words struck through or if any erasures before the signatures of parties, witnesses and Special Notary; (xi) signatures of the parties at the end of the text when they know or can sign and of the witnesses and other persons who have intervened; (xii) signature of the Special Notary which shall be made at the end of the document; (xiii) the value of the notarial stamp affixed shall be mentioned in the instrument; (xiv) the instrument shall be recorded in the language of the court. Where the party does not know such language, the page where the instrument is written shall be divided into two columns and in left column the instrument shall be recorded in the language of the court and in the

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right in the language known to the party. The translator shall intervene in the instrument and shall solemnly declare that the translation is true and correct. The instrument shall be recorded continuously, without any blank space or blank line.

(2) The originals of powers of attorney given by the parties to the attorneys for intervening in a Notarial act have to be produced before the Special Notary who shall place them or certified copy thereof on record in his office.

9. 333. Printed open will.— (1) (a) A testator who knows to read, may opt to present to the Special Notary a computer generated printout of the operative part of his will on a standard paper of the size 29.7 cms x 21 cms entitled 'open will' and declare before the Special Notary that the printout contains his last wish in the presence of two credit worthy witnesses, who shall identify the testator, and certify that the testator is in his perfect senses and free from coercion. (b) The will shall be printed in double line spacing on one side of the paper only leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and one cm on the right side of the paper. The print shall be continuous without break between words and numbers shall be written in words. (c) After the title, the testator shall set out his full name, occupation, marital status and description which shall contain the names of both the parents, his age and place of residence. (d) All the open wills brought before the Notary, until they are preserved in a form of a bound book, as provided in sub-section (7), shall be maintained in a provisional file.

In section 333 of the principal Act, in sub-section (7), for the words "District Judge", the words "District Special Notary" shall be substituted.

Power delegated to District Special Notary.

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In the same file, all the wills so presented shall be kept as per the serial order of its presentation and their pages numbered serially. (2) In the presence of the said witnesses, the Special Notary shall verify from the testator whether the will presented by him expresses his last wish according to his intention and whether the testator is in his perfect senses and free from coercion. The Special Notary shall, thereupon, record on the will the continuous numbers of the pages which it bears in the file maintained for preserving open wills. Every page shall be signed by the testator, and the two witnesses to the will just above the first line and below the last line in the presence of the Special Notary. The Special Notary shall then make a record thereof immediately next to the signatures on the last page of the will and it shall continue without interruption on the same page and on the subsequent pages. (3) The record to be made by the Special Notary in the presence of the testator and the witnesses shall contain the following:— (a) that the will was presented by the testator in person and that the testator declared that it was his last wish; (b) that all the pages of the will were signed by the testator and the witnesses in his presence; (c) state the number of pages the will contains; (d) make mention to any blot, interlineations, correction or marginal note in the will; (e) that the testator was identified by witnesses; (f) that the testator was in his perfect senses and wholly free from coercion; (g) the number which the pages will bear in the file containing open will. (4) The Special Notary shall read aloud in the presence of

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the witnesses the will presented by the testator and the record made, and after specifying the place, date month and year the record shall be signed by the testator, the witnesses and the Special Notary. (5) The Special Notary shall then affix a passport size photograph of the testator, supplied by the testator, just below the record made by the Special Notary and he shall also sign across the photograph and certify that the photograph is of the testator immediately after all the formalities are completed, the Special Notary shall issue a certified Photostat copy of the will with the record made by him, to the testator and then shall file the will in the file maintained for the purpose. (6) The Special Notary shall enter the particulars as provided in sub-section (2) above and of the date of the open will in a book maintained for the purpose. (7) At the end of every 200 sheets, the District Judge of the concerned district shall initial all the pages of the wills contained in the file and ensure that the sheets are bound in a book. (8) The Special Notary shall reject the printed open will presented by the testator if the said will is not written in the language of the court or in a language commonly known in the district or is written in a language not known to the Special Notary. In this event, the testator may request the Special Notary to draw a public will.

10. 337. Delivery of the closed will.— Once the will is approved and closed in a cover, it shall be delivered to the testator and the Special Notary shall enter in his book a note recording the place where, and

In section 337 of the principal Act, the expression "The testator may keep the closed will with himself or hand it over to a person of his confidence" shall be added at the end.

to amend section 337 of the said Act so as to include the option of either keeping the closed will with the testator or with person of his confidence, when it is delivered to him after completing the formalities by the Special Notary;

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	the day, month and year, when the will was approved and delivered.		
11.	338. Custody of the closed will and its deposit with the Special Notary.— (1) The testator may keep the closed will with himself or hand it over to a person of his confidence or deposit it in safe custody of the Special Notary. (2) The testator who wishes to deposit his will in any Special Notary's office, shall hand it over to the Special Notary and the Special Notary shall make a record of deposit or cause such record to be drawn. The record shall be signed by him and the testator, in the respective book. (3) On receiving such cover, the Special Notary, if satisfied that the person presenting the same for deposit is the testator or his agent, shall record in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover. 4) The Special Notary shall then place and retain the sealed cover in his fire proof box. 339. Who may deposit the will.— The will may be presented and deposited through any attorney, in which case, the Power of Attorney shall be annexed to the will. 340. Special power of attorney for return of the will.— Such special power of attorney shall be drawn by any Special Notary and signed by two witnesses in the concerned book.	In the principal Act, sections 338, 339 and 340 shall be omitted.	As the Special Notary Offices are not well equipped with latest security protocol, such as, fire extinguishers, fire proof vaults and boxes, etc., it is risky to take custody of closed wills and keep them in the office, moreover, if the closed wills remains with the party it will be more safe and testator will take due care of it. Therefore, sections 338, 339 and 340 of the said Act are proposed for omission;
12.	346. Declaration of heirship.— (1) After the succession opens, and the law does not require that mandatory inventory proceedings be instituted to	In section 346 of the principal Act,- (i) in sub-section (4), the words "or a certified copy issued by an institution	to amend section 346 of the said Act as the same is ambiguous and allows party to submit any document issued by any institution,

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		<p>partition the inheritance, heirship may be proved by a deed of declaration of heirship drawn by the Special Notary. (2) Three persons and at least one of the interested parties shall have to declare on oath before the Special Notary that the interested party or parties named by them are the only heir or heirs of the deceased. If such deceased person was married, the name of the spouse shall also be disclosed and whether the spouse is surviving or has expired. The interested party shall also declare in the act whether the value of the inheritance exceeds Rs. 10 lakhs or not shall disclose the names of the spouses of the heirs, if any. (3) The declarants shall produce the following documents:— (a) death certificate of the deceased; (b) will or gift deed mortis causa, when the succession is founded on such document; (c) document to prove the relationship of the heir or heirs to the deceased; (4) Where a party is unable to produce a birth certificate, death certificate or a marriage certificate issued by the authorities, the party may produce an order or decree of the court certifying such birth, death or marriage or a certified copy issued by an institution maintaining such records.</p>	<p>maintaining such records" shall be omitted; (ii) after subsection (4), the following subsection shall be inserted, namely:- "(4A) In the event when a party to succession deed produces documents of his identity and the names on the documents produced are different, the parties may produce a certificate issued by the Mamlatdar for certifying the names appearing in different certificates are that of one and the same person.".</p> <p>legally not empowered to maintain the same;</p>
13.	_____	<p>Insertion of new section 346A.— After section 346 of the principal Act, the following section shall be inserted, namely:- "346A. Printed Deed of Declaration of Heirship.— (1) The Declarants and interested parties as specified in section 346 may opt to present to the Special Notary, a computer generated printout in black ink of the</p>	<p>To insert a new section 346A in the said Act for providing a printed Deed of Declaration of Heirship, in similar line of printed open will.</p>

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unsigned Deed of Declaration of Heirship, written in the language of the Court, complying with all the legal formalities as specified under section 346 and other provisions under this Act on a standard ledger paper (Legal Size) leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and 2 cms. on the right side of the paper. The print shall be in Times New Roman Script with double spacing and continuous without break between words and numbers shall be written in words, accompanied by all the documents required for registration of said deed. (2) Upon submission of printed Deed of Declaration of Heirship all the parties shall put their name, sign and thumb impression by appearing in the office of the Special Notary, and thereafter the Special Notary shall sign the said deed. (3) All the printed Deeds of Declaration of Heirship registered before the Special Notary alongwith all the supporting documents, until they are preserved in a form of a bound book, as provided in sub-section (4), shall be maintained in a provisional file. In the same file, all the Deeds of Declaration of Heirship so presented shall be kept as per the serial order of its presentation and their pages numbered serially. (4) At the end of every 200 sheets, the District Special Notary of the concerned district shall initial all the pages of the Deed of Declaration of Heirship contained in the file and ensure that the sheets are bound in a book.”.

LA/LEGN/2022/1328

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

—
The Goa Municipalities (Amendment) Bill, 2022

(Bill No. 8 of 2022)

A

BILL

further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"),—

(i) after clause (19), the following clause shall be inserted, namely:—

"(19a) "holder" means a person who is in possession of the building/land;";

(ii) after clause (25), the following clause shall be inserted, namely:—

"(25a) "member of family of lessee" means lessee's spouse, or son, or unmarried daughter, or father, or mother, or grandson, or unmarried granddaughter;".

3. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1), for the word "Director", wherever it occurs, the words "State Election Commission in consultation with the Government" shall be substituted.

4. *Amendment of section 56.*— In section 56 of the principal Act,—

(i) in sub-section (2), for the expression "not less than one-third", the word "majority" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

(5) No requisition for such special meeting shall be moved before expiry of a period of six months from the date of convening of the special meeting of the Council wherein the resolution for removal of the Chairperson or Vice-Chairperson, as the case may be, is defeated."

5. *Amendment of section 88.*— In section 88 of the principal Act (i) in sub-section (2), the words "of not less than two-thirds" shall be omitted.

(ii) in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that in respect of immovable property of a council where the period of lease has already expired and such lease is not renewed, the Council may renew the lease of such immovable property at such rate of rental and on such terms and conditions as may be notified by the Government by notification in the Official Gazette".

6. *Amendment of section 101.*— In section 101 of the principal Act, in sub-section (1), in clause (a), for the words "rateable value", the expression "rateable value or capital value, as the case may be" shall be substituted.

7. *Amendment of section 110.*— In section 110 of the principal Act, (i) in sub-sections (1) and (2), for the words "Rateable value" and "rateable value", whenever they occur, the expression "rateable value" or capital value" shall be substituted.

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The tax of any building or land assessable for property tax shall be

calculated on the basis of capital value system of the property as may be notified by the Government by notification in the Official Gazette.”.

8. *Omission of sections 131, 132, 133, 134, 135 and 136.*— Sections 131, 132, 133, 134, 135 and 136 of the principal Act shall be omitted.

9. *Insertion of new section 265A.*— After section 265 of the principal Act, the following section shall be inserted, namely:—

“265A. Sealing of premises carrying on any trade and or occupation without licence.— (1) If any person without obtaining a licence from the Council under section 252 or section 265 carries on any trade or occupation in any premises within the limits of municipal area, the Chief Officer shall, after giving an opportunity of being heard to such person seal such premises:

Provided that if the application for licence is already submitted to the Council, such premises shall not be sealed till such application is rejected on merit:

Provided further that no such premises shall be sealed till the expiry of the period given to rectify any defect thereof.

(2) An appeal against the order of the Chief Officer shall lie before the Director and his decision in the matter shall be final:

Provided that the Director shall not grant any interim relief without hearing the Chief Officer.”.

10. *Amendment of section 270.*— In section 270 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with fine of ten thousand rupees.”.

11. *Amendment of section 276.*— In section 276 of the principal Act, for sub-section (1)

the following sub-section shall be substituted, namely:—

“(1) Whoever, within a municipal area, allows any cattle which are in his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished,—

(i) for the first offence, with fine of ten thousand rupees;

(ii) for a second or subsequent offence, with fine of fifteen thousand rupees.”.

12. *Amendment of section 286.*— In section 286 of the principal Act, in sub-section (1), in clause (d), for the words “rateable value”, the words “rateable value or capital value” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to insert new clauses (19a) and (25) in section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “said Act”) so as to define the terms “holder” and “member of the family of lessee” in the said Act.

The Bill seeks to amend section 10 of the said Act so as to devolve the powers of delimitation and reservation to the State Election Commission in order to conduct the Municipal election in a free, fair and transparent manner.

The Bill seeks to amend section 56 of the said Act so as to avoid frequent requisition of the special meeting for removal of the Chairperson and the Vice-Chairperson thereby putting unnecessary strain on the administration of the Council and Director of Urban Development (Municipal Administration).

The Bill seeks to amend section 88 of the said Act so as to enhance the revenue of the Council.

The Bill seeks to amend section 101, 110 and 286 of the said Act so as to make the assessment of property by using capital value assessment method and collection of house tax from the buildings which were not assessed for house tax.

The Bill seeks to omit sections 131, 132, 133, 134, 135, and 136 of the said Act which are related to octroi and toll in view of the enactment of the Goa Goods and Service Tax Act, 2017.

The Bill seeks to insert new section 265A in the said Act so as to restrict unauthorized trade in Municipal area.

The Bill seeks to amend section 270 and section 276 of the said Act so as to decriminalize the provisions of imprisonment in the said Act.

The Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 5 and 7 of the Bill empowers the Government to issue notification specifying rate or rentals, terms and conditions of lease and capital value system of the property, respectively. This delegation is of normal character.

Porvorim-Goa. (VISHWAJIT P. RANE)
20th July, 2022. Minister for

Urban Development

Assembly Hall, (NAMRATA ULMAN)
Porvorim-Goa Secretary to the Legislative
20th July, 2022. Assembly of Goa.

(Annexure to the Bill No. 8 of 2022)

The Goa Municipalities (Amendment) Bill, 2022
The Goa Municipalities Act 1968 (Act 7 of 1969)

2. Definitions.— In this Act, unless the context otherwise requires,—

(1) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, 7[] Administrative Tribunal Act, 1965; 8[(1A) "Appellate Tribunal" means as Appellate Tribunal constituted under section 184 B.

(2) "appointed day" in relation to an area, means the date on which the relevant provisions of this Act come into force in that area;

(3) "building" includes a house, out-house, stable, shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, door steps, walls (including compound walls) and fencing and the like;

(4) "bye-law" means a bye-law made or deemed to be made by the Council under this Act;

(5) "Cess-pool" includes a tank for the reception or disposal of foul matter from buildings;

9[(5a) "Chairperson" and "Vice-Chairperson" means Chairperson and Vice-Chairperson of the Council as the case may be;]

(6) "Chief Officer" means the person appointed or deemed to be appointed under this Act to be the Chief Officer of a municipal area;

(7) 10["Collector" means the Collector of North Goa District and that of South Goa District and also includes the Additional Collector of North Goa District and South Goa District, respectively;]

(8) "Council" means a Municipal Council constituted or deemed to be constituted under this Act for a municipal area;

(9) "Councillor" means a person who is duly elected 11[***] as a member of the Council;

(10) "dairy" includes any farm, cattle-shed, cow-house, milkstore, milk-shop or other place from which milk is supplied for sale, or in which milk is kept for purposes of sale or manufactured into butter, ghee, cheese, curds, dried, sterilized or condensed or toned milk, but does not include—

(A) a shop or other place in which milk is sold for consumption on the premises only, or

(B) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

12[(10a) "Development Committee" means the Development Committee constituted under section 322 B;]

(11) 13[("Director" means the person appointed by the Government to be the Director of Urban Development);]

14[(11a) "District" means a district in the State of Goa;]

(12) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(13) "eating house" means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

(14) "election" means an election to a Council, and includes a bye-election;

(15) "factory" means a factory as defined in the Factories Act, 1948;

(16) "filth" includes sewage, night-soil and all offensive matter;

(17) "food" includes every article used as food or drink for human consumption other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionary, flavouring and coloring matters and spices and condiments;

(18) "goods" includes animals;

(19) "Government" means the Government of Goa 15[];

(20) "house-drain" means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

(21) "house-gully" or "service passage, means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to servants of the Council or to persons employed in the cleansing thereof or in the removal of such matter there from;

(22) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the

earth and rights created by legislative enactment over any street;

(23) "local authority" means a municipality or village panchayat, as the case may be, constituted under any law for the time being in force in the 16[State of Goa];

(24) "lodging house" means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration, and includes a lodging house for pilgrims whether lodging is provided for or without any monetary consideration;

(25) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, drinks, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;

(26) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk; Council as Group A, Group B, Group C and Group D posts will have the meaning as assigned by the Government for equivalent posts in Government Departments];

(27) "municipal area" means any local area declared or deemed to be declared as municipal area by or under this Act;

(28) "municipal market" or "municipal slaughter-house" means a market or a slaughter-house, as the case may be, which belongs to or is maintained by the Council;

(29) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(30) "occupier" includes"

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) an owner living in or otherwise using his land or building,

(c) a rent-free tenant,

(d) a licensee in occupation of any land, or building, and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(31) "octroi" means a tax on the entry of goods into a municipal area for consumption, use or sale therein;

(32) "offensive matter" includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage;

(33) "officer or servant of the Council" means an officer or servant 17[appointed by the Government or the Council] or any other competent authority subordinate to it, and includes any Government Officer or servant, who is for the time being serving under the, Council 18[and the classification of posts of officers or servants of

17 Substituted

(37) "premises" includes messages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private;

(38) "prescribed" means prescribed by rules; 20
(39) [***]

(40) "private market" means a market which is not a municipal market, but does not include a market established for the purposes of any law for the time being in force regulating the marketing of agricultural and other produce in such markets;

(41) "private slaughter-house" means a slaughter-house which is not a municipal slaughter-house;

(42) "private street" means a street which is not a public street;

(43) "privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, and aqua privy, a latrine and a urinal;

(44) "public place" includes any public park or garden or any ground to which the public have or are permitted to have access; (45) "public securities" means—

(a) securities of the Central Government and of any State Government;

(b) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or State Government;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by any enactment for the time being in force in any part of the territory of India; or

(d) securities expressly authorized by an order which the Government makes in this behalf;

(46) "public street" means any street—

(a) over which the public have a right of way;

(b) heretofore levelled, paved, metalled, channelled, sewered, or repaired out of municipal or other public funds; or

(c) which under the provisions of this Act becomes, or is declared, a public street;

(47) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(48) "Rules" means rules made by the Government under this Act;

(49) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the 21[State of Goa] under article 341 of the Constitution of India;

(50) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities, as are deemed to be Scheduled Tribes in relation to the 22[State of Goa] under article 342 of the Constitution of India; (51) sewage means night-soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds;

23[(51a) "State" means the State of Goa]

24[(51b) "State Election Commission" means the State Election Commission constituted under the section 237 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).]

(52) "street" means any road, foot-way, square, court-alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private

property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(53) 25["total number of Councillors", in relation to a Council, means the total number of elected councillors;](54) 26[***]

(55) "vehicle" includes a carriage, cart, van, dray, truck, handcart, bicycle, tricycle, motor-car, and every wheeled conveyance which is used or is capable of being used on a street; 27[(55a) "Voters" means all the voters whose names are entered in the list of voters prepared and maintained under section 11.]

28[(55b) "Ward" mean the territorial constituency of the municipal area;]

(56) "water closet" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(57) "water-connection" includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with a water-main or pipe belonging to the Council; and

(b) the water-pipe connecting such tank, cistern, hydrant, standpipe, meter or tap with such water-main or pipe;

(58) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine, water truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

10. Division of municipal area into wards and reservation of wards for women, 61[Scheduled Castes, Scheduled Tribes and Other Backward Class].—(1) The Director shall from time to time by order published in the Official Gazette, fix for each municipal area the number and the extent of the wards into which such area shall be divided. The Director shall specify in the order the ward in which a seat is reserved for women but in so doing he shall ensure that such a seat is reserved from time to time

by rotation in different wards of the municipal area. He shall by a like order specify the wards in which seats are reserved for 62[Scheduled Castes, Scheduled Tribes or the Other Backward Class],63[including the seats for offices of Chairperson] having regard to the concentration of population of 64[those Castes, or Tribes, or as the case may be, of those class], in any particular wards. [Provided that such order shall be issued at least seven days before the date of notification of the general election].

(2) Each of the wards shall elect only one Councillor.

(3) Every order issued under sub-section (1) shall take effect for the purpose of the next general election immediately following the date of such order. (4) Nothing in this section shall be deemed to prevent women or persons belonging to the 66[Scheduled Castes, Scheduled Tribes or Other Backward Class] for whom seats are reserved in any Council, from standing for election and being elected to any of the seats which are not reserved.

56. Removal of Chairperson and Vice-Chairperson.—

(1) A Chairperson or a Vice-Chairperson shall cease to be Chairperson or Vice-Chairperson, as the case may be, if the Council by a resolution passed by a majority of the total number of Councillors at a special meeting so decides.

(2) The requisition for such special meeting shall be signed by not less than one-third of the total number of Councillors and shall, if such meeting is to be convened for considering the resolution for removal from office —

(a) of the Chairperson, or of the Chairperson as well as the Vice-Chairperson, be sent to the Director;

(b) of the Vice-Chairperson be sent to the, Chairperson.

(3) The Director or, as the case may be the Chairperson shall within ten days of the receipt of a requisition under sub-section (2) convene a special meeting of the Council:

Provided that, when the Director convenes a special meeting of the Council, he shall give intimation thereof to the Chairperson

(4) A meeting to consider a resolution under sub-section (1) shall be presided over—

(a) by the Director or any other officer authorised by him in this behalf, when a resolution for the

removal of the Chairperson or of the Chairperson and Vice-Chairperson is under consideration, but he shall have no right to vote;

(b) by the Chairperson, when a resolution for the removal of the Vice-Chairperson is under consideration:

88. Provisions regarding transfer of municipal property.— (1) No Council shall transfer any of its immovable property without the sanction of the Government: Provided that a Council may, for the purpose of construction of markets, shops or such other amenities intended for the overall development of the municipal area, associate private entrepreneurs in such projects on such terms and conditions including transfer of marketable title of the entire project or part thereof, with the approval of the Government.;

(2) A proposal of such transfer shall be accompanied by a resolution of the Council passed at a meeting by a majority of not less than two thirds of the total number of Councillors and shall in no way be inconsistent with the rules made in this behalf by the Government.

(3) Notwithstanding anything contained in sub-section (1), a Council may lease its immovable property for a period not exceeding three years with appropriate annual rate of increase in rent and the lessee shall not be allowed to make any permanent constructions on such immovable property. Such lease may be renewed by the Council beyond the period of three years with the permission of the Director, who shall decide the reasonability of annual increase in rentals before issuing permission for extending the lease period:

Provided that in respect of immovable property of a Council where the period has already expired and the leases are not renewed, the Council may renew the leases of such immovable properties at such rate of rental which 1[shall not be less than Rs. 12/- per sq. metre per month] in case of commercial establishment and shall not be less than 1[Rs. 5/- per sq. metre per month] in case of residential establishment, the reasonability of which shall be decided by the Director before issuing permission for extending the lease period.; (4) If any person refuses or fails to vacate the Municipal premises after expiry of lease period or for any other reason and after due notice from the Council, he shall be evicted from the said premises under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22 of 1988) by the Director or any other officer authorized by him in this behalf

and designated as Estate Officer and notified under the provisions of the said Act.

101. Imposition of compulsory taxes.— (1) Subject to any general or special orders which the Government may make in this behalf, a Council shall impose, for the purposes of this Act, the taxes listed below:—

(a) a consolidated property tax on lands or buildings or both situated within municipal area, other than those belonging to the Government, Central Government or duly registered Freedom Fighters based on their rateable value as determined in accordance with section 110;

(b) a tax on professions, trades, calling and employments;

(c) a theatre tax;

Provided that the maximum and minimum rates at which the taxes aforesaid shall be levied in different classes of municipal areas and other matters relating to imposition, assessment, collection and exemptions thereof shall be such as may be prescribed by rules.

(2) The consolidated tax on property shall include—

(a) a general tax;

(b) a general water tax;

(c) a lighting tax;

(d) a general sanitary tax.

110. Rateable value how to be determined.— (1) In order to fix the rateable value of any building or land assessable to a property tax, there shall be deducted from the amount of rent for which such building or land might reasonably be expected to let, or for which it is actually let, from year to year, whichever is greater, a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever.

(2) The value of any machinery contained or situated in or upon any building or land shall not be included in the rateable value of such building or land.

131. Octroi limits.— For the purposes of this Act, unless the Council otherwise determines by making the necessary bye-laws, the octroi limits of the Council shall be deemed to be co-terminous with the limits of the municipal area.

132. Power to examine articles liable to octroi.—(1) A person bringing into or receiving from beyond the octroi limits of a Council any animal or goods on which octroi is payable shall, when required by an officer authorised in this behalf by the Chief Officer and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with such animal or goods;

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods; and

(c) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(2) If any person bringing into or receiving from beyond the octroi limits of a Council in which octroi is leviable, any conveyance or package, refuses on demand of an officer authorised by the Chief Officer in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before such Executive Magistrate as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

133. Presentation of bills for octroi.— An officer demanding octroi by the authority of the Council shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed and the rate at which the tax is calculated.

134. Penalty for evasion of octroi.— Where any animal or goods passing into a municipal area are liable to the payment of octroi, any person who, with the intention of defrauding the Council, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the Council any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such octroi or to two hundred rupees, whichever may be greater.

135. Tables of tolls to be shown on demand.— A Council imposing any toll under this Act shall cause to be kept at each place where such toll is to be

collected, a table showing the amounts leviable in all cases provided for in the bye-laws including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments; and it shall be the duty of every person authorised to demand payment of a toll, to show such table on the request of any person from whom such demand is made.

136. Power to seize vehicle or animal or goods for non-payment of octroi or toll and to dispose of seized property.—(1) In the case of non-payment on demand of any octroi or of any toll leviable by a Council, any person appointed to collect such octroi or toll may seize any animal or goods on which octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of the burden of such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VI.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Chief Officer shall forthwith deliver to him the property seized.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, or toll, and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Chief Officer in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the Council.

265. Certain other trades and occupations not to be carried on without licence.—(1) No person shall use any premises in the municipal area for any trade or occupation except under and in accordance with

the conditions of a licence granted under the provisions of the bye-laws made in this behalf. Provided that no such licence shall be required for the use of any premises in the municipal area under any self-employment Schemes or Information Technology Software and enabled services specially notified by the Government, subject to the payment of taxes and fees payable under the provisions of this Act, rules or bye-laws made thereunder.

(2) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (1) and may inspect any goods, vessels or implements or other articles used for such purpose and may by written notice require the owner or the person in charge of such premises to take such reasonable measures as may be specified in the notice for the prevention of any nuisance or danger therefrom or may require the use of the premises for such purpose to be discontinued.

(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued under sub-section (2) shall, on conviction, be punished with fine which may extend to 1[five thousand rupees], and in the case of continuing offence with further fine which may extend to 1[five hundred rupees] for every day after the first during which such offence continues.

270. Impounding cattle.— It shall be the duty of every police officer and it shall be lawful for any municipal officer or servant authorised by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the municipal area.

(1) It shall be lawful for any person who is the owner or who is in charge of any private or public property to seize and take to any such public pound for confinement therein, any cattle trespassing upon such property or causing damage thereto.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to [two thousand rupees], or with both.

Section 276: Penalty for allowing cattle to stray in street or to trespass upon private or public property. -Whoever, within a municipal area, allows any cattle which are his property or in his charge to stray in

any street or to trespass upon any private or public property shall, on conviction, be punished— (i) for the first offence, with fine which may extend to [one thousand rupees]; (ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to [two thousand rupees], or with both.

(2) The Magistrate trying the offence under sub-section (1) may order,—

(a) that the accused shall pay such compensation not exceeding [one thousand rupees] as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognizable.

286. Power to institute, defend suits, etc.— (1) Subject to the general control of the Council, the Chief Officer may—

(a) institute and prosecute any suit or other proceeding for any claim or demand on behalf of the Council or for any injury to any property, rights or privileges of the Council;

(b) withdraw from or compromise or compound any suit or any claim or demand which has been instituted or made on behalf of the council;

(c) institute, withdraw from or compromise or compound any suit or proceeding for the recovery of expenses or compensation claimed to be due to the Council;

(d) defend, admit or compromise or compound any appeal against a rateable value or tax;

(e) defend any suit or other legal proceedings brought against the Council or any municipal officer or servant in respect of anything done or omitted to be done by them, respectively in their official capacity;

(f) admit or compromise any claim, suit or legal proceeding brought against the Council or any municipal officer or servant, in respect of anything done or omitted to be done as aforesaid:

Provided that—

(i) if any sanction in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract;

(ii) if any such suit is in respect of land leased or sold under sub-section (3) of section 168 or in respect of any immovable property sold or leased for a term exceeding three years or otherwise transferred, it shall not be lawful for the Council to compound or compromise in respect of the suit except with the previous sanction of the Director.

(2) A Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers or servants under this Act.

(3) The expenses of any civil proceedings prosecuted or defended on behalf of the Council shall be payable from the municipal fund.

————◆◆————

LA/LEGN/2022/1329

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The City of Panaji Corporation
(Amendment) Bill, 2022

(Bill No. 9 of 2022)

A

BILL

further to amend the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the City of Panaji Corporation (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Insertion of new section 242A.*— After section 242 of the City of Panaji Corporation

Act, 2002, the following section shall be inserted, namely:—

"242A. Sealing of premises carrying on any trade or occupation without licence.—

(1) If any person without obtaining a licence from the Commissioner carries on any trade or occupation in any premises within the limits of the Corporation area, the Commissioner shall, after giving an opportunity of being heard to such person, pass an order to seal such premises:

Provided that if an application for licence is submitted to the Corporation the premises shall not be sealed till such time said application is rejected on merit:

Provided further that no such premises shall be sealed till the time of expiry of the period allowed to the applicant for rectifying the defect found by the Commissioner."

3. *Substitution of section 320.*— For section 320 of the principal Act, the following section shall be substituted, namely:—

320—Soliciting alms.— Whoever, in any street or public place within the limits of the Corporation area, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be provided shelter in the shelter homes recognised or aided by the Government."

4. *Substitution of section 397.*— For section 397 of the principal Act, the following section shall be substituted, namely:—

"397. Punishment for essential officer leaving employment.— Any essential officer or servant contravening any of the provisions of section shall on conviction, be punished in the case of a first conviction with fine which may extend to ten thousand rupees and in case of a second one subsequent conviction, with fine of fifteen thousand rupees."

Statement of Objects and Reasons

The Bill seeks to insert new section 242A in the City of Panaji Corporation Act, 2002 (Goa Act of 2003) so as to streamline the trade licenses in the Municipal Corporation Area.

The Bill also seeks to amend sections 320 and 397 of the said Act so as to decriminalize the provisions of imprisonment in said section.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa (VISHWAJIT P. RANE)
20th July, 2022. Minister for Urban Development.

Assembly Hall, (NAMRATA ULMAN)
Porvorim-Goa Secretary to the Legislative
20th July, 2022. Assembly of Goa.

(Annexure to the Bill No. 9 of 2022)

The City of Panaji Corporation
(Amendment) Bill, 2022
The City of Panaji Corporation Act, 2002

Section 320: Soliciting Alms

(1) Whoever, in any street or public place within the limits of the Corporation, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be punishable with imprisonment which may extend to three months.

(2) If the Court finds that a person has committed an offence punishable under sub-section (1), it may, if in its opinion the person is unable to earn a livelihood owing to physical infirmity or debility or is otherwise a fit person to be committed to a poor-house, in lieu of passing a sentence Order that he

may be committed to poor-house maintained by the Corporation or approved by the State Government, for such term and subject to such conditions as may be prescribed by rules made under this Act.

(3) If the person committed to a poorhouse under sub-section (2) escapes from it or commits a breach of any condition subject to which he was committed to the poorhouse, he shall be punishable with imprisonment for a term which may extend to six months.

(4) If the Court finds that the person who has committed an offence punishable under sub-section (1) was not born within the limits of the City or has not been continuously resident therein for more than one year, it may, in lieu of passing a sentence or order referred to in the aforesaid sub-sections, by order in writing direct the said person to leave the said limits within such time and by such route or routes as may be stated in the order and not to return thereto without the permission in writing of the District Magistrate. If the said person fails to comply with the order within the time specified therein, the Court may cause the said person to be removed beyond the limit of the City under such escort as it may direct.

(5) If the said person returns within the limits of the City without the permission of the authority specified in a term which may extend to six months.

(6) Until and during the trial, a person accused of an offence under this section may be detained either in custody under section 309 of the Code of Criminal Procedure, 1973, or in a poorhouse, according as the Court may, from time to time, direct.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.

Section 397: Punishment for essential officer leaving employment

Any essential officer or servant contravening any of the provisions of section 56 shall be punishable with imprisonment which may extend to six months or with fine or with both.

Section 56 is as follows:

"Extraordinary pension in case of officer or servant injured or killed in execution of his duty.—

The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules or bye-laws framed in this behalf— (a) to any municipal officer or servant injured in the execution of his duty, or (b) to the family

or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty or who dies during service: Provided that the extraordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances exceed that payable to a person of similar rank or position in the service of the Government."

LA/LEGN/2022/1330

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Education Development Corporation (Amendment) Bill, 2022

(Bill No. 18 of 2022)

A

BILL

further to amend the Goa Education Development Corporation Act, 2003 (Goa Act No. 22 of 2003)

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Education Development Corporation (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 50.*— In section 50 of the Goa Education Development Corporation Act, 2003 (Goa Act No. 22 of 2003), in sub-section (1),—

(i) for the expression "with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the expression "with fine which shall not be less than rupees fifty thousand, but may

extend to rupees one lakh" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

"Provided that for a second or subsequent offence, a fine of rupees ten thousand per day shall also be levied till the continuance of such offence".

(iii) in sub-section (2), for the expression "imprisonment for a term which may extend to three months or with fine which may extend to rupees ten thousand or with both", the expression "fine which may extend to rupees one lakh" shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend section 50 of the Goa Education Development Corporation Act, 2003 (Goa Act 22 of 2003) so as to decriminalize the provision of imprisonment specified in said section 50 of the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim Goa (Dr. Pramod Sawant)
20th July, 2022. Hon. Minister for Education

Assembly Hall, Namrata Ulman
Porvorim, Goa Secretary (Legislative
20th July, 2022. Assembly of Goa).

LA/LEGN/2022/1331

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Electronic Delivery of Notices
Bill, 2022

(Bill No. 32 of 2022)

A

BILL

to provide for serving of Notices through electronic media and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:

1. *Short title, extent, commencement.*— (1) This Act may be called the Goa Electronic Delivery of Notices Act, 2022.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “electronic device” means a cell phone, a computer, and any other device that is capable of transmitting, receiving, or recording message, image, sound, data, or other information by electronic means;

(b) “electronic form” means e-mail, e-mail attachments, data submitted on web-based forms or any other communication method that delivers machine readable data or information to lender through an electronic device;

(c) “Government” means the Government of Goa;

(d) “Notice” means any summons, requisition, direction, process, or any other similar mode of communication being used to inform, warn or direct any person under any State law or proceeding but does not include a public notice;

(e) “prescribed” means prescribed by the rules made under this Act;

(f) “public notice” means a proclamation or a publicity by beating of drums and includes a notice which is meant for the public at large;

(g) “State” means the State of Goa.

3. *Service of Notice through electronic system.*— (1) Notwithstanding anything contained in any State law or rules and regulations made thereunder, any notice which is required to be given under such State law or rules and regulations, to any person, may be sent in electronic form, where such person or his authorized representative gives consent in writing for service of notice on him by such mode.

(2) A notice served in electronic form under sub-section (1) shall be deemed to have been duly served when the electronic device used for such notice clearly indicates that such notice is viewed by such person or his authorized representative.

4. *Form of notice.*— A notice referred in section 3 shall be given in the same form as specified in the State law or rules and regulations framed thereunder.

5. *Unique identification of notice.*— Any notice served as per the provisions of this Act shall be uniquely identified in such manner as may be prescribed.

6. *Power to make Rules.*— The Government may, by notification in the Official Gazette, make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the provisions of this Act.

Statement of Objects and Reasons

Presently, use of electronic medium for transmission of communication was found most ideal as compared to the traditional in – person or portal delivery mechanism. It also assists in reduction of paper usage.

The Bill therefore, seeks to provide for serving of notices under various State laws or rules and regulations framed thereunder through electronic system.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to appoint a date by Notification in the Official Gazette for bringing the Act into force.

Clause 5 of the Bill empowers the Government to prescribe the manner for unique identification of notice served as per provisions of the Act.

Clause 6 of the Bill empowers the Government to frame rules for carrying out the provisions of the Act.

These delegations are of normal character.

Porvorim—Goa, (ROHAN KHAUNTE)
20th July, 2022. Minister for Information
Technology.

Assembly Hall, (NAMRATA ULMAN)
Porvorim—Goa. Secretary to the
20th July, 2022. Legislative
Assembly of Goa.

LA/LEGN/2022/1332

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Information Technology Development (Amendment) Bill, 2022

(Bill No. 33 of 2022)

A

BILL

further to amend the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Information Technology Development (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Substitution of section 50 for section 50 of the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007), the following section shall be substituted, namely:—

"50. Penalty for obstruction:— (1) Any person who obstructs the entry of a person authorised under section 35 or any person with whom the Corporation has entered into a contract for the performance and execution of any act by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent Court, be punished with fine which may extend upto fifty thousand rupees.

(2) If any person removes any mark setup for the purpose of indicating any level, boundary line or direction necessary to the execution of works authorized under this Act, he shall, on conviction, be punished with fine which may extend upto fifty thousand rupees."

Statement of Objects and Reasons

The Bill seeks to amend section 50 of the Goa Information Technology Development

Act, 2007 (Goa Act 10 of 2007) so as to decriminalize the provision of imprisonment in said Section 50. This would help the State in aligning with the initiatives of the Government of India aimed at enhancing Ease of Doing Business and Ease of Living for citizens.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated Legislation is envisaged in this Bill.

Porvorim—Goa, 20-07-2022. (ROHAN KHAUNTE) Minister for Information Technology

Assembly Hall, Porvorim—Goa. 20-07-2022. (NAMRATA ULMAN) Secretary to the Legislative Assembly of Goa.

LA/LEGN/2022/1333

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Co-Operative Societies (Amendment) Bill, 2022

(BILL No. 24 of 2022)

A

BILL

further to amend the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:

1. *Short title and commencement.*— (1) This Act may be called the Goa Co-operative Societies (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 123A.*— In section 123A of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) If the retiring Chairman to whom a direction has been issued under sub-section (2) without sufficient cause fails to comply with such direction, he shall be liable to pay fine of rupees two thousand per day of delay in handing over of charge to the newly elected Chairman from the date of issuance of directions by the Registrar till the actual date of handover of charge. Such fine shall not be paid from the funds of the society but shall be recovered from the defaulting retired Chairman";

(ii) after sub-section (3), the following new sub-sections shall be inserted, namely:—

"(4) The retiring Chairman shall pay such fine so payable under sub-section (3) to the Registrar by way of challan in the Government treasury and a self attested copy of the receipt of the paid challan shall be submitted to the Registrar within thirty days of handing over the charge.

(5) On failure of the retiring chairman to pay fine within the time limit specified under sub-section (4), the same shall without prejudice to any other mode of recovery, be recoverable as an arrears of land revenue.

(6) The provisions of sub-sections (3), (4) and (5) shall mutatis mutandis apply in case, the newly elected/nominated Chairman, Administrator or any other Office bearer, as the case may be, without sufficient cause, fails to take over custody of books, records, cash, security and other property belonging to a co-operative society."

Statement of Objects and Reasons

The Bill seeks to amend section 123A of the Goa Cooperative Societies Act, 2001 (Goa Act 36 of 2001) so as to decriminalize the provisions of imprisonment specified in said section 123A of said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Place:- Porvorim Goa

(SUBHASH SHIRODKAR)

Dated:- 20th July, 2022

Minister for Co-operation

Assembly Hall

(NAMRATA ULMAN)

Porvorim, Goa.

Secretary to the

Dated:- 20th July, 2022

Legislative

Assembly of Goa.

LA/LEGN/2022/1341

The following bill which was introduced in the Legislative Assembly on the State of Goa on 22nd July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 3) Bill, 2022

(Bill No. 4 of 2022)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2022-2023.

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation Act, 2022.

2. *Issue of Rs. 586,68,29,000/- out of the Consolidated Fund of the State of Goa for the financial year 2022-2023.*— From and out of the Consolidated Fund of the State of Goa, there may be

paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of five hundred eighty six crore sixty eight lakh twenty nine thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2022-2023 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
01	Legislature Secretariat	349.48	15.00	364.48
A1	Raj Bhavan (Charged)	—	80.00	80.00
02	General Administration and Coordination	1806.62	—	1806.62
A2	Debt Services (Charged)	—	5000.00	5000.00
10	Notary Services	94.40	—	94.40
13	Transport	140.00	—	140.00
A3	Goa Public Service Commission (Charged)	—	25.00	25.00
15	Collectorate, North Goa	50.00	—	50.00
16	Collectorate, South Goa	78.00	—	78.00
18	Jails	398.36	—	398.36
21	Public Works	20000.06	—	20000.06
22	Vigilance	20.00	—	20.00
23	Home	2.00	—	2.00
25	Home Guards and Civil Defence	500.00	—	500.00
26	Fire and Emergency Services	0.02	—	0.02
29	Public Grievances	45.00	—	45.00
31	Panchayats	2465.00	—	2465.00
34	School Education	1298.26	—	1298.26
35	Higher Education	0.05	—	0.05
37	Government Polytechnic, Panaji	71.82	—	71.82
42	Sports and Youth Affairs	950.00	—	950.00
43	Art and Culture	2214.00	—	2214.00
48	Health Services	200.00	—	200.00
51	Goa Dental College	1007.80	—	1007.80

(1)	(2)	(3)	(4)	(5)
52	Labour	0.01	—	0.01
56	Information and Publicity	2210.00	—	2210.00
57	Social Welfare	3569.13	—	3569.13
59	Factories and Boilers	35.00	—	35.00
61	Skill Development and	800.00	—	800.00
62	Law	16.73	—	16.73
64	Agriculture	137.40	—	137.40
66	Fisheries	300.00	—	300.00
70	Civil Supplies	450.00	—	450.00
74	Water Resources	3000.00	—	3000.00
75	Planning, Statistics and	1.13	—	1.13
78	Tourism	1000.00	—	1000.00
81	Department of Tribal Welfare	2500.00	—	2500.00
82	Information Technology	6708.01	—	6708.01
84	Civil Aviation	230.00	—	230.00
85	Department of Rural Development	900.00	—	900.00
88	Department of Public Private	0.01	—	0.01
TOTAL		53548.29	5120.00	58668.29

Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2022-2023 (First Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services, during the financial year 2022-2023.

Porvorim, Goa
22nd July, 2022.

DR. PRAMOD SAWANT
Finance Minister/Chief Minister.

Assembly Hall,
Porvorim, Goa.
22nd July, 2022.

NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 3) Bill, 2022, by the Legislative Assembly of Goa.

LA/LEGN/2022/1342

The following bill which was introduced in the Legislative Assembly of the State of Goa on 22nd July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 2) Bill, 2022

(Bill No. 3 of 2022)

A

BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2022-2023.

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 2) Act, 2022.

2. *Issue of Rs. 24467,40,81,000/-, out of the Consolidated Fund of the State of Goa for the financial year 2022-2023.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of twenty four thousand four hundred sixty Seven crore forty lakh eighty one thousand rupees towards defraying the several charges which will arise for payment during the financial year 2022-2023 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding			Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa		
		(3)	(4)	(5)	
01	Legislature Secretariat	4527.50	643.00	5170.50	
A1	Raj Bhavan (Charged)	—	1555.60	1555.60	
02	General Administration and Coordination	15506.72	—	15506.72	

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 17

28TH JULY, 2022

(1)	(2)	(3)	(4)	(5)
03	District and Sessions Court, North Goa	4280.21	—	4280.21
04	District and Sessions Court, South Goa	3767.00	—	3767.00
05	Prosecution	1688.34	—	1688.34
06	Election Office	11420.86	—	11420.86
07	Settlement and Land Records	4385.16	—	4385.16
08	Treasury and Accounts Administration, North Goa	167054.00	—	167054.00
09	Treasury and Accounts Administration, South Goa	869.50	—	869.50
A2	Debt Services (Charged)	—	460106.57	460106.57
10	Notary Services	1979.10	—	1979.10
11	Excise	2618.10	—	2618.10
12	Commercial Taxes	5957.90	—	5957.90
13	Transport	28941.68	—	28941.68
A3	Goa Public Service Commission (Charged)	—	677.00	677.00
14	Goa Sadan	631.20	—	631.20
15	Collectorate, North Goa	5311.55	—	5311.55
16	Collectorate, South Goa	6017.50	—	6017.50
17	Police	98001.74	—	98001.74
18	Jails	2690.85	—	2690.85
19	Industries Trade and Commerce	7418.64	—	7418.64
20	Printing and Stationery	1674.90	—	1674.90
21	Public Works	209980.95	—	209980.95
22	Vigilance	951.00	—	951.00
23	Home	2582.61	—	2582.61
24	Environment	2538.50	—	2538.50
25	Home Guards and Civil Defence	3215.27	—	3215.27
26	Fire and Emergency Services	10627.00	—	10627.00
27	Official Language	1265.00	—	1265.00
28	Administrative Tribunal	221.90	—	221.90
29	Public Grievances	96.00	—	96.00

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 17

28TH JULY, 2022

(1)	(2)	(3)	(4)	(5)
30	Small Savings and Lotteries	2076.00	—	2076.00
31	Panchayats	40413.64	—	40413.64
32	Finance	37951.00	—	37951.00
33	Revenue	2161.22	—	2161.22
34	School Education	198585.91	—	198585.91
35	Higher Education	54169.31	—	54169.31
36	Technical Education	8292.22	—	8292.22
37	Government Polytechnic, Panaji	3364.04	—	3364.04
38	Government Polytechnic, Bicholim	1701.11	—	1701.11
39	Government Polytechnic, Curchorem	1384.75	—	1384.75
40	Goa College of Engineering	5801.51	—	5801.51
41	Goa Architecture College	767.20	—	767.20
42	Sports and Youth Affairs	15194.05	—	15194.05
43	Art and Culture	15343.32	—	15343.32
44	Goa College of Art	1215.50	—	1215.50
45	Department of Archives	3819.10	—	3819.10
46	Museum	1426.20	—	1426.20
47	Goa Medical College	77813.29	—	77813.29
48	Health Services	99635.96	—	99635.96
49	Institute of Psychiatry and Human Behaviour	6094.95	—	6094.95
50	Goa College of Pharmacy	3919.00	—	3919.00
51	Goa Dental College	10591.51	—	10591.51
52	Labour	9774.87	—	9774.87
53	Food and Drugs Administration	2887.64	—	2887.64
54	Town and Country Planning	3763.80	—	3763.80
55	Municipal Administration	57649.35	—	57649.35
56	Information and Publicity	5033.37	—	5033.37
57	Social Welfare	46483.69	—	46483.69
58	Women and Child Development	43434.12	—	43434.12
59	Factories and Boilers	1488.20	—	1488.20

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 17

28TH JULY, 2022

(1)	(2)	(3)	(4)	(5)
60	Employment	971.70	—	971.70
61	Skill Development and Entrepreneurship	11403.24	—	11403.24
62	Law	14670.41	—	14670.41
63	Rajya Sainik Board	1048.81	—	1048.81
64	Agriculture	27860.72	—	27860.72
65	Animal Husbandry and Veterinary Services	16728.57	—	16728.57
66	Fisheries	11838.74	—	11838.74
67	Ports Administration	6617.70	—	6617.70
68	Forests	15461.15	—	15461.15
69	Handicraft, Textile and Coir	2935.70	—	2935.70
70	Civil Supplies	6598.22	—	6598.22
71	Cooperation	3413.96	—	3413.96
72	Science and Technology	25798.50	—	25798.50
73	State Election Commission	1935.00	—	1935.00
74	Water Resources	54002.33	—	54002.33
75	Planning, Statistics and Evaluation	2101.50	—	2101.50
76	Electricity	316130.41	—	316130.41
77	River Navigation	5462.24	—	5462.24
78	Tourism	24716.20	—	24716.20
79	Goa Gazetteer	78.40	—	78.40
80	Legal Metrology	1071.85	—	1071.85
81	Department of Tribal Welfare	20629.86	—	20629.86
82	Information Technology	14384.00	—	14384.00
83	Mines	1546.35	—	1546.35
84	Civil Aviation	4302.00	—	4302.00
85	Department of Rural Development	12225.82	—	12225.82
86	New and Renewable Energy	6920.50	—	6920.50
87	Department of Archaeology	3988.25	—	3988.25
88	Department of Public Private Partnership	460.00	—	460.00
TOTAL		1983758.64	462982.17	2446740.81

Statement of Objects and Reasons

The Budget for the year 2022-2023 was presented to the Legislative Assembly on the 30th March, 2022. The Demands for Grants have since been discussed and voted by the Assembly. The Appropriation Bill is, therefore, introduced in accordance with the provisions of Article 204 of the constitution of India to provide for appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 2022-2023.

Porvorim, Goa
22nd July, 2022

DR. PRAMOD SAWANT
Finance Minister/Chief Minister

Assembly Hall,
Porvorim, Goa.
22nd July, 2022

NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

**Governor's Recommendation under Article 207
of the Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 2) Bill, 2022, by the Legislative Assembly of Goa.



Department of New & Renewable Energy

—
Order

1-2/Admin/NRE/2022-23/80

Government is pleased to discontinue the scheme for "Promotion of Electric Vehicle in the State of Goa" notified vide Series I No. 38 dated 16th December, 2021, with effect from 31st July, 2022.

Electrical 2-wheelers, 3-wheelers & 4-wheelers purchased on or after 16th December, 2021 and on or before 31st July,

2022 shall be eligible for subsidy as specified in the scheme subject to the upper limit of 3000 Nos. of 2-Wheelers, 50 Nos. 3-wheelers and 300 Nos. of 4-wheelers.

This is issued with the concurrence of the Finance Department vide U. O. No. 567/F dated 11-07-2022.

By order and in the name of the
Governor of Goa.

Aleixo F. da. Costa, Director, DNRE & ex
officio Jt. Secretary.

Panaji, 22nd July, 2022.

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